

**CITY OF OREGON CITY
PLANNING COMMISSION HEARING**

October 12, 2009, 07:00 P.M.
City Commission Chambers - City Hall

1. Call to Order

Roll Call:

Tim Powell
Paul Carter Stein
Chris Groener

Staff Present:

Tony Konkol, Senior Planner

2. Public Comment on Items Not Listed On Agenda

There was no public comment.

3. Public Hearing

CP 09-01

Planning Commission Chair Tim Powell read the hearing statement describing the hearing format and correct process for participation. He asked if there were any declarations of ex parte contact, conflict of interest, bias, or statements. There were none.

Commissioner Powell opened the public hearing.

Tony Konkol, Senior Planner, presented the Staff Report. Mr. Konkol said the original application for a Concept Master Plan for the Cove and the Detailed Development Plan for Phases 1 and 2 were approved on February 9, 2009. The applicant had 14 amendments to those plans. Throughout the staff report and application they referenced 216 additional apartments, and it should be 220. The Transportation Engineer said the four additional units were insignificant and would not change the findings he submitted in the staff report. Mr. Konkol discussed how they reviewed amendments to a Concept Master Plan and a Detailed Development Plan. One of the requests of the applicant was if there were future amendments to the phasing schedule that they be processed as a Type 1 application rather than a Type 2 application as indicated in the Code. He explained the conflicts between the old Code and new Code in this application and what amendments were applicable to the old Code under the original application and which would fall under the new Code.

Mr. Konkol discussed the proposed amendments to the Concept Plan. The mixed use building was proposed to comply with the 50 foot buffer that was applicable to the entire site. A condition of approval was the applicant update the landscaping plan and vegetative buffer to reflect the change. The applicant proposed to remove two of the driveway entrances from Agnes. This would improve the circulation system. The third and fourth amendments dealt with the relocation of the medical and general office building to the center of the condo complex and on the glacier site build up to 220 apartment units. In order to make it fit, they reduced the number of condos by 44, so they would have 180 condo units. Condition of Approval 1 from the original Concept Master Plan identified the need for a pedestrian/vehicular connection from the Oregon City Shopping Center to Main Street. The applicant proposed a 20 foot easement and staff recommended the Commission either amend the location or defer it as the condition stated. They also added a condition of approval addressing the pedestrian circulation path through the site. The applicant proposed to add additional property to the master plan boundary by approximately two and a half acres to provide additional parking for the office building and provide access to the park and esplanade. This was the site of the old dump and putting a parking lot there would improve the water quality in the area. They also added a condition of approval that the applicant work with tri-cities regarding the requirements for the design of the parking lot. The applicant proposed to relocate the recreational facility to serve the apartment complex and they increased the landscaping in the corner of the Cove to create an esplanade connection to the sidewalk on Main Street. This would take away the on street parking.

Mr. Konkol discussed the changes to the Detailed Development Plan. The applicant was proposing to reconstruct Main Street in its existing location. They would be designing the street with bike lanes, travel lanes, swale on one side, and planter strip and sidewalk on the Cove side. The applicant also proposed to relocate the restrooms in the north park area to the southeast corner adjacent to the 20 permanent parking spaces they would create to serve the north park. The applicant indicated Agnes Street would need to be expanded from 60 feet to 65 feet to accommodate additional storm swales. The applicant also proposed to develop Agnes Avenue between Main Street and the north park as a full half street improvement and also proposed to construct a 20 foot section from the north park to Washington Street. They proposed to delay the construction of the monument sign on the south side of Main Street just east of Firestone Alley until Phase 4 and provided details on the 28 parking stalls that were required per the Condition of Approval 2 from the original application. The applicant would install 20 permanent stalls and 8 temporary ones that would be relocated to the parking lot on the tri-cities side at a later date. The Detailed Development Plan for Phase 2 included amendments that changed the phasing schedule for two activities, the grading of the condo 3 and 4 building pads and the restoration planting on the northwest peninsula. Both would be done in Phase 4.

Mr. Konkol said all of these amendments were reflected in the transportation study, and they found that due to the increase in the number of trips in the morning and evening peak hours, they identified the need for an additional \$20,000 to be added to the original \$100,000 that was agreed to in the original condition of approval to address the improvements along

Highway 99E and Firestone Alley. Regarding infrastructure, the applicant would be utilizing the same storm water design standards and best management practices on the site. Water and sanitary sewer would be brought up to grade. Regarding Goal 5, they were relying on what was reported in the original application regarding preservation and mitigation measures throughout the site. Regarding the Comprehensive Plan Goals and Policies, the applicant addressed them and it met the plan. Regarding the Flood Management Overlay District, they increased the storage capacity on the site by 1,000 cubic yards for a total of 1,900 cubic yards of excess storage being created via this application. Concerning off street parking, they reviewed the 20 permanent stalls and attached a condition of approval to provide an interior landscaped island and to add a marked pedestrian crossing across the private drive going into the parking lot.

Mr. Konkol reviewed the eight areas staff thought the Planning Commission would have concerns about and what staff recommended for each situation.

Commissioner Powell thought there should be signage on the parking lot to make sure it remained public parking and not used for overflow condo parking.

Applicant: Randy Tyler and Ed Darrow gave testimony. They listed the approvals they had already received from the Urban Renewal Commission. Some changes had been made at the request of the City to create more increment sooner. They gave a recap of the proposed modifications and showed pictures of their proposal. They thought they had answered the environmental, economic development, and recreational concerns people had about the project.

Commissioner Stein discussed the quality and durability of the apartments, the phasing of the relocation of the sheriff's dock, construction sequencing in regard to access to pedestrian trails during construction, and grading plans for the existing vegetation along the existing Main Street.

Commissioner Groener discussed the intended use for the future parking lot and when it was open to the public.

Commissioner Powell clarified that the stage was included in the plan. He was concerned about the park parking and thought there should be a Park Use Only sign and it could be enforced through the condo association.

The applicant's civil engineer with the firm Cardino WRG explained the grading along the Cove side and said the bank would be restored.

Public Testimony: Gail Curtis from ODOT asked if there would there be sidewalks on both sides of Main Street. Mr. Konkol explained it would be on one side, but they would need to address the pedestrian connectivity from the glacier site to appropriate spots to cross Main Street to get to the sidewalk and esplanade. They also had a vehicular and pedestrian requirement connecting Oregon City Shopping Center to Main Street. Ms. Curtis encouraged them to scrutinize the public nature of the access throughout the site development. There would be emergency access on the north end to Washington Street and the traffic mitigation would be increased from \$100,000 to \$120,000. Mr. Konkol explained the sidewalk

issue further and the benefits that outweighed sidewalks on both sides at this location. Ms. Curtis said part of the solution could be signage so people knew what was public access. Mr. Konkol explained the public areas of the development.

Paul Edgar represented the Canemah Neighborhood Association. They were concerned about the environment and endangered species fish habitat around the Cove and the grading that would eliminate the trees that cooled the water in critical times. He wanted them to look at the alternatives. He was also concerned about the accuracy of the trip generation figures. He suggested having a recourse that after a period of time if the numbers were not reality, they could do an assessment and hold the developers responsible.

Ms. Curtis from ODOT said this was a regional center and for that reason sidewalks on both sides of the street should be considered.

Rebuttal: ??Applicant?? said the City Commission invited some experts from Oregon Fish and Wildlife to testify at a meeting and there was only one area rated as good quality habitat. There would not be a net loss of fish due to the shade and the fish would not come to the Cove because it was too warm. All of these things were previously approved and not appealed or subject to additional discussion.

Phillip Worth, Principle Planner from Kittelson and Associates, explained the trip generation calculations and the standard they used for the calculations.

Mr. Konkol referenced both memos from Mr. Rupplinger?? which assessed the scope, methodology used, trip generation numbers, distribution, and background growth and found that they were reasonable, justified, and could be defended. He read the Condition of Approval regarding public space and it had previously been addressed.

Commissioner Powell closed the public hearing.

Commissioner Stein asked about putting two sidewalks on Main Street and if they had considered accomodating pedestrian traffic around the perimeter of the parking lot parallel to Main Street. Mr. Konkol said they had focused on providing safe and direct pedestrian access for the users of the apartments to get to the public right of way. It had not been for the through movement of someone walking along Main Street. Commissioner Stein thought it was an appropriate give and take. Mr. Konkol said the condition specifically called out the need for that pedestrian connectivity and identified the specific provisions to make sure the pedestrian system did function correctly.

Commissioner Powell went through each item they were to consider regarding the application. For item 1, they agreed phasing amendments would be a Type 1 review. For item 2, the applicant would resubmit the design and location of the easement in Phase 3. For item 3, the number of apartment units would go up from 216 to 220. For item 4, the Code requirements in effect from July 31 would apply to the proposed public restrooms. For item 5, all other amendments except the apartments and restrooms would be reviewed under the old Code. For item 6, the original

application included wall seating and a band shell and those improvements should still be constructed. For item 7, they agreed that they not move Main Street and agreed with staff's view that it was an existing condition. Item 8, they agreed to amend existing Condition of Approval 4 for a 20 foot pavement section to be constructed for Agnes between north park and Washington Street. The full Agnes Street section would be constructed as part of Phase 6. They would need to work out what would be on either side of the pavement. It would be blocked with bollards and used only for emergency vehicles.

Mr. Konkol said they would add a condition concerning signage indicating the 20 spots by north park were for public use. Commissioner Groener wanted a condition for pedestrian and bike signage throughout the development such as interpretive signs providing direction. Commissioner Stein wanted to add a condition for a detour route to be identified during construction of Phase 1 and 2. Mr. Konkol would also add a condition for a temporary bike and pedestrian connection for the Clackamas Trail during construction.

Motion by Commissioner Chris Groener, second by Commissioner Paul Carter Stein, to approve CP 09-02 and DP 09-01 as amended.

A roll call was taken and the motion passed with Chair Tim Powell, Commissioner Chris Groener, and Commissioner Paul Carter Stein voting aye. [3:0]

4. Adoption of Planning Commission Minutes

May 11, 2009; June 8, 2009; June 22, 2009; and August 10, 2009 Planning Commission Minutes

Mr. Konkol said these were too abbreviated for his comfort, but the minutes would be more condensed in the future because the recordings were online and could be accessed by citizens at any time.

There was discussion regarding time stamping not only agenda items, but certain discussions as well.

Commissioner Powell said he did not second a motion in the June 22 minutes.

They would hold over the June 8 minutes as they did not have a quorum to approve that meeting.

Motion by Commissioner Paul Carter Stein, second by Commissioner Chris Groener, to approve the minutes of the May 11, 2009, June 22, 2009, and August 10, 2009 Planning Commission meetings.

A roll call was taken and the motion passed with Chair Tim Powell, Commissioner Chris Groener, and Commissioner Paul Carter Stein voting aye. [3:0]

5. Adjourn

The meeting was adjourned at 9:23 p.m.